



FILE COPY 3700

PATENT

Docket No. 12013/58901

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Eric Stenzel
Serial No. : 10/001,960
Filed : December 5, 2001
For : METHOD, TOOL AND SYSTEM FOR DEPLOYING AN IMPLANT
: INTO THE BODY
Art Unit : 3763
Examiner : Kevin C. Sirmons

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR ISSUANCE OF CORRECTED OFFICIAL FILING RECEIPT

SIR:

Enclosed is a marked-up copy of the official filing receipt which requires the following correction to be made under the Filing Date:

Filing Date:

Replace "05/03/2002"
with -12/05/2001--

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This change was made by a Petition filed on January 31, 2002. Applicant received a Decision Granting Petition to accord the December 5, 2001 filing date. Enclosed is a copy of the Decision Granting Petition.

Issuance of a corrected filing receipt is respectfully requested.

Respectfully submitted,

KENYON & KENYON

Douglas E. Ringel
Reg. No. 34,416

Dated: 31 Oct. 2003

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/001,960	05/03/2002 12/05/2001	3765	986	12013/58901	4	29	4

 23838
 KENYON & KENYON
 1500 K STREET, N.W., SUITE 700
 WASHINGTON, DC 20005


CONFIRMATION NO. 1392

FILING RECEIPT



OC00000008240263

Date Mailed: 06/06/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Eric B. Stenzel, Tuam, IRELAND;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 06/05/2002

Projected Publication Date: 11/06/2003

Non-Publication Request: No

Early Publication Request: No

Title

Method, tool, and system for deploying an implant into the body

Preliminary Class

604

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**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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In re Application of
Stenzel
Application No. 10/001,960
Filed: December 5, 2001
Attorney Docket No. 12013/58901

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed January 31, 2002 and supplemented on May 3, 2002, requesting withdrawal of the Notice of Incomplete Nonprovisional Application (Notice), mailed January 9, 2002.

The application was deposited on December 5, 2001. On January 9, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioner that the application contained no drawing figures. Therefore, the application had not been accorded a filing date. Petitioner was given a non-extendable 2 month period from the mail date of the Notice to (1) supply drawings and a newly executed oath/declaration covering the drawings in order to obtain a filing date as of the date of the newly deposited drawings or (2) submit evidence that the drawings were in fact deposited on December 5, 2001 in order to obtain a December 5, 2001 filing date.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the application be accorded a filing date of December 5, 2001 on the basis that 4 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on December 5, 2001. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing December 5, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 4 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 4 sheets of drawing figures were filed on December 5, 2001. MPEP 503. Accordingly, the request is granted.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of December 5, 2001, using the copies of drawing figures 1,2,3,4, 5,6,7,8,9,10,11 &12 submitted with the instant petition. Office records will be corrected to show that 4 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

Beverly M. Flanagan

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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